

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL ROSATI, individually and
derivatively on behalf of Rosati's Franchise
Systems, Inc. and WILLIAM ROSATI,
individually and derivatively on behalf of
Rosati's Franchise Systems, Inc.,

Plaintiffs,

v.

ANTHONY ROSATI, DAVID ROSATI, and
POWER PLAY DISTRIBUTORS, LLC,

Defendants,

and

ROSATI'S FRANCHISE SYSTEMS, INC.

Nominal defendant.

Case No. 1:20-cv-7762

Judge: Honorable John F. Kness
Magistrate Judge Sunil Harjani

UNOPPOSED MOTION FOR EXTENSION OF TIME TO AMEND PLEADINGS

Plaintiffs Michael and William Rosati ("Plaintiffs") bring this motion in their case against Individual Defendants Anthony and David Rosati, and Defendant Power Play Distributors, LLC ("Defendants" and, collectively, the "Parties"). Plaintiffs request that the Court extend the deadline to amend pleadings by 30 days, from August 2, 2021 to September 1, 2021. Plaintiffs believe this extension will give them time to resolve discovery disputes with Defendants and review Defendants' documents and discovery responses to assess whether any additional parties should be added to this case.

Defendants do not oppose a reasonable extension of time to amend, subject to any decision the Court reaches on the pending Motions to Dismiss the Amended Complaint, in which Defendants have asked the Court to dismiss this case with prejudice.

In support of this motion, the Parties state as follows:

1. On April 29, 2021, the Court entered a Scheduling Order setting July 14, 2021 as the deadline to amend pleadings. ECF 54.

2. On May 18, 2021, Defendants filed their respective Motions to Dismiss the Amended Complaint, ECF 61 and 63, which have now been briefed and argued to the Court.

3. On June 14, 2021, Plaintiffs served their First Set of Interrogatories and Requests for Production of Documents on Individual Defendants Anthony and David Rosati and on Defendant Power Play Distributors, LLC.

4. On July 8, 2021, after mutually agreeing to extend Defendants' deadline to respond to Plaintiffs' discovery requests from July 14, 2021 to July 28, 2021, the Parties jointly requested an extension of the deadline to amend pleadings from July 14, 2021 to August 2, 2021 in order to give Plaintiffs an opportunity to review Defendants' discovery responses prior to deciding whether to amend their pleadings. ECF 74. The Court granted the request on July 13, 2021. ECF 76.

5. On July 28, 2021, Defendants served their responses to Plaintiffs' discovery requests. Plaintiffs' position is that Defendants' responses are deficient in several respects, including in that Defendants did not disclose the identity of the manufacturer of the frozen pizzas at the center of this case. Defendants disagree with Plaintiffs' characterization of their discovery responses as deficient and take the position that their responses are proper. The Parties intend to meet and confer regarding these issues.

6. To permit the Parties to do so, Plaintiffs have requested a 30-day extension of the deadline to amend pleadings, from August 2, 2021 to September 1, 2021. Defendants do not oppose a reasonable extension of time to amend the pleadings, subject to any decision the Court reaches on the pending Motions to Dismiss the Amended Complaint, in which Defendants have asked the Court to dismiss this case with prejudice.

7. Defendants are also aware that any amendment, if the Court permits one, may affect the remainder of the discovery schedule. Plaintiffs' position is that any amendment will not affect the discovery schedule.

8. All Parties reserve their respective rights regarding how the Court's forthcoming ruling on Defendants' motions to dismiss might affect Plaintiffs' right to file an amended complaint.

Accordingly, subject to the approval of the Court, Plaintiffs respectfully request that the Court enter an order extending the deadline to amend pleadings until September 1, 2021.

Dated: August 2, 2021

/s/ Kirstie Brenson

Paula J. Morency
Michael K. Molzberger
Kirstie Brenson
SCHIFF HARDIN LLP
233 South Wacker Drive
Suite 7100
Chicago, IL 60606
Tel: (312) 258-5500
Fax: (312) 258-5600
pmorency@schiffhardin.com
mmolzberger@schiffhardin.com
kbrenson@schiffhardin.com

*Attorneys for Defendants Anthony and
David Rosati*

/s/ Patrick Etchingham

Cory D. Anderson
Matthew Patrick Connelly
Patrick Etchingham
Rock Fusco & Connelly, LLC
321 N. Clark Street
Suite 2200
Chicago, IL 60654
312-494-1000
canderson@rockfuscoconnelly.com
mpc@rfclaw.com
petchingham@rfclaw.com

*Attorneys for Defendant Power Play
Distributors, LLC*

Respectfully submitted,

/s/ Luke Ali Budiardjo

Brian D. Sieve, P.C.
Robin A. McCue
Lisa Santaniello (admitted pro hac vice)
KIRKLAND & ELLIS LLP
300 N. LaSalle
Chicago, IL 60654
(312) 862-2000
brian.sieve@kirkland.com
robin.mccue@kirkland.com
lisa.santaniello@kirkland.com

Luke Ali Budiardjo (admitted pro hac vice)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800
luke.budiardjo@kirkland.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2021, a true and correct copy of the foregoing **UNOPPOSED MOTION FOR EXTENSION OF TIME TO AMEND PLEADINGS** was electronically filed and served upon counsel of record via the Court's CM/ECF System.

/s/ Luke Ali Budiardjo

Luke Ali Budiardjo